

Resolution No.: 16-211
Introduced: May 17, 2007
Adopted: June 19, 2007

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
WITHIN MONTGOMERY COUNTY, MARYLAND**

By: District Council

SUBJECT: Revision to Board of Appeals Special Exception Filing Fees

Background

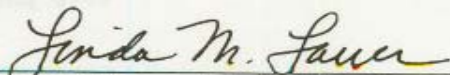
1. Subject to the approval of the County Council, the Board of Appeals may adopt rules of procedure to govern its proceedings. The Board's rules may govern filing fees, the conduct of meetings and hearings, and other procedures necessary to hear and decide cases.
2. The Board of Appeals has submitted for approval a revised special exception fee schedule.
3. The last general revision to the special exception filing fee schedule was approved by the Council on September 28, 2004.
4. On June 19, 2007, the County Council held a public hearing on the proposed revised special exception filing fee schedule.
5. On June 19, 2007, the County Council reviewed the proposed filing fee schedule.

Action

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland approves the following resolution:

The attached fee schedule is established for filing a special exception application with the Board of Appeals.

This is a correct copy of Council action.


Linda M. Lauer, Clerk of the Council

SECTION OF
THE ZONING
ORDINANCE SPECIAL EXCEPTION USE

Filing Fee

59-G-2.00.2	Abattoir	8,250.00
59-G-2.00	Accessory Apartment	250
59-G-2.00.1	Accessory Dwelling	1,375.00
59-G-2.00.3 - repealed	Adult Entertainment Business	20,625.00
	Airstrip	13,750.00
59-G-2.00.4	Airstrip, associated with farms	4,125.00
59-G-2.54.1	Agricultural Processing, secondary	6,875.00
	Alcoholic Beverage Manufacturer	13,750.00
59-G-2.01	Ambulance or Rescue Squad – privately supported	2,062.50
	Amusement Center (see Recreation & Entertainment Establishments)	
59-G-2.02	Animal Boarding Place:	
	Up to 10 animals	2,062.50
	Over 10 animals	3,437.50
59-G-2.03	Animal Cemetery	6,875.00
59-G-2.04	Antique Shop	2,062.50
	Appliance Repair	3,437.50
59-G-2.05	Art or Cultural Center (non-commercial)	3,437.50
59-G-2.05.1	Auction Facility	11,000.00
	Auditorium or Convention Hall	8,250.00
59-G-2.06	Automobile Filling Station	13,750.00

BOARD OF APPEALS FEE SCHEDULE

<u>SECTION OF THE ZONING ORDINANCE</u>	<u>SPECIAL EXCEPTION USE</u>	<u>Filing Fee</u>
59-G-2.07	Auto & Light Truck & Trailer Rental Lot – outdoor	8,250.00
	Auto Repair & Service – indoor	8,250.00
	Auto Repair & Service	8,250.00
	Auto Sales Lot – outdoor/indoor	8,250.00
59-G-2.08	Auto Storage Lot	4,125.00
	Auto Sales & Service Center	
59-G-2.09	Auto Truck & Trailer Rental Lot – outdoor	8,250.00
	Barber & Beauty Shop (see Retail Sales & Personal Services)	
59-G-2.09.2	Bed and Breakfast	550.00
59-G-2.09.1	Blacksmith	825.00
59-G-2.10	Boardinghouse	825.00
	Boat Repair & Service	8,250.00
	Boat Sales – indoors	8,250.00
	Bowling Alley (see Recreational & Entertainment Establishment)	
	Bus Terminal	13,750.00
59-G-2.10-1	Cable Communication System	20,625.00
59-G-2.11	Campground	13,750.00
59-G-2.11.1	Car Wash	8,250.00
59-G-2.11.2	Catering Facilities, outdoors	13,750.00
59-G-2.12	Cemeteries	13,750.00
59-G-2.12.1	Chancery and International Organization	8,250.00
59-G-2.15.1	Conference Center w/lodging	20,625.00
	Charitable and Philanthropic Institution	6,875.00

BOARD OF APPEALS FEE SCHEDULE

<u>SECTION OF THE ZONING ORDINANCE</u>	<u>SPECIAL EXCEPTION USE</u>	<u>Filing Fee</u>
59-G-2.13.1	Child Day Care	
	Non-profit – over 30	3,437.50
	For profit – over 30	4,125.00
59-G-2.14	Clinic; Medical or Dental	8,250.00
59-G-2.15.2	Country Market	687.50
	Delicatessen (see Retail Sales or Personal Services)	
	Drugstore (see Retail Sales & Personal Services)	
	Dry Cleaning & Laundry, Pickup (see Retail Sales & Personal Services)	
59-G-2.36.2	Dwelling in Industrial or Commercial Zone (per unit)	687.50
	Eating and Drinking Establishment excluding drive-ins (see Retail Sales & Personal Services)	
59-G-2.16	Drive-in Restaurant	13,750.00
59-G-2.19	Educational Institution, Private	
	Up to 10 students	1,375.00
	11 to 40 students	3,437.50
	Over 40 students	6,875.00

BOARD OF APPEALS FEE SCHEDULE

<u>SECTION OF THE ZONING ORDINANCE</u>	<u>SPECIAL EXCEPTION USE</u>	<u>Filing Fee</u>
59-G-2.13	Elderly Day Care:	
	Non-profit – up to 10	137.50
	11 to 20	275.00
	21 to 30	1,100.00
	Over 30	3,437.50
59-G-2.13	Elderly Day Care:	
	For profit – up to 10	687.50
	11 to 20	1,100.00
	21 to 30	3,437.50
	Over 30	4,125.00
59-G-2.43	Electric Power Transmission & Distribution Lines more than 69,000 volts (see Public Utility Building)	
59-G-2.49	Equestrian facility in a Residential Zone	687.50
59-G-2.49.1	Equestrian facility in an Agricultural Zone	4,125.00
59-G-2.21.2	Farm Machinery	4,125.00
	[Farm Market, Roadside	687.50
59-G-2.21.3	Farm Supply	4,125.00
59-G-2.21.4	Farm Tenant Mobile Homes – more than 1 – less than 4 per DU	1,375.00
59-G-2.22	Fertilizer Mixing Plants	8,250.00
	Florist (see Retail Sales & Personal Services)	
	Food & Beverage Store (see Retail Sales & Personal Services)	

BOARD OF APPEALS FEE SCHEDULE

<u>SECTION OF THE ZONING ORDINANCE</u>	<u>SPECIAL EXCEPTION USE</u>	<u>Filing Fee</u>
	Fraternity or Sorority House	3,437.50
	Fuel Production as agriculture by-product	6,875.00
59-G-2.23	Funeral Parlor or Undertaking Establishment	8,250.00
	Furniture or Upholstery Repair Shop	4,125.00
59-G-2.24	Golf Course/Country Club	13,750.00
	Mini Golf	6,875.00
59-G-2.25	Golf Driving Range	6,875.00
59-G-2.25.1	Grain Elevator	6,875.00
59-G-2.26	Group Residential Facility – Exceptional Persons	550.00
59-G-2.26.1	Group Picnic, Catering and Recreation Facility in RDT zone (See outdoor catering)	
59-G-2.27	Heliports and Helistops	15,125.00
59-G-2.28	Highway Fuel and Food Service	13,750.00
59-G-2.29	Home Occupation, Major	550.00
59-G-2.30	Horticultural Nursery & Commercial Greenhouse	6,875.00
59-G-2.30.1	Hospice	1,100.00
59-G-2.31	Hospital	15,125.00
59-G-2.32	Hospital, Veterinary (see Veterinary Hospital)	
59-G-2.33	Hotels and Motels	20,658.00

BOARD OF APPEALS FEE SCHEDULE

<u>SECTION OF THE ZONING ORDINANCE</u>	<u>SPECIAL EXCEPTION USE</u>	<u>Filing Fee</u>
59-G-2.35	Housing, Elderly & Handicapped	
	Non- Profit – per unit	137.50
	Minimum	1,100.00
	Maximum	8,250.00
	Commercial – per unit	137.50
	Minimum	8,250.00
	Maximum	20,658.00
	Laboratories, Medical & Dental	13,750.00
59-G-2.30.00	Landscape Contractor (see Horticultural Nursery)	
59-G-2.35.1	Life Care Facility (see Housing, Elderly)	
59-G-2.30.00	Manufacture of Mulch/Composting	6,875.00
59-G-2.36.4	Meeting Centers for use of residents	1,375.00
59-G-2.36.1	Milk Plant	6,875.00
	Mobil Home, single wide, per unit	275.00
59-G-2.36.3	Newspaper, village	3,437.50
	Newsstand (see Retail Sales and Services)	
59-G-2.37	Nursing Home or Domiciliary Care Home	
	Non- profit – up to 5 persons	275.00
	6 to 20 persons	1,100.00
	20 to 40 persons	3,437.50
	over 40 persons	8,250.00
	Commercial – up to 5 persons	1,100.00
	6 to 20 persons	3,437.50
	20 to 40 persons	13,750.00
	over 40 persons	20,658.00

BOARD OF APPEALS FEE SCHEDULE

<u>SECTION OF THE ZONING ORDINANCE</u>	<u>SPECIAL EXCEPTION USE</u>	<u>Filing Fee</u>
59-G-2.38.1	Office, General	4,125.00
59-G-2.36	Office, Medical Practitioner – non-resident	8,250.00
59-G-2.38	Office, Professional – non-resident	8,250.00
	Office, Professional – resident	8,250.00
	Outdoor Sales Lot (see Automobile Sales Lot)	
	Parking Garage – Automobile/per space	275.00
	- Maximum	20,658.00
59-G-2.39	Parking of Automobiles – off street, in connection	
59-G-2.39.1	with commercial -	
	Per Space	550.00
	Maximum	11,000.00
59-G-2.41	Pet Shop	3,437.50
59-G-2.41.1	Pipeline – above ground	20,658.00
59-G-2.24	Private Club and Service Organization	6,875.00
59-G-2.43	Public Utility Buildings, Public Utility Structures and Telecommunications facilities	13,750.00
	Racquetball, Squash, Indoor Tennis, Handball Courts – commercial (see Recreation & Entertainment Establishment)	
59-G-2.45	Radio & TV Broadcasting Stations & Towers	20,658.00
59-G-2.44 (see 59-G-2.43)	Recreation or Entertainment Establishment, commercial	13,750.00
59-G-2.45	Recreation Facility primarily for use of residents	1,375.00
	Research Institute – non-commercial (See Charitable & Philanthropic)	
	Restaurant (see Eating & Drinking Establishment)	

BOARD OF APPEALS FEE SCHEDULE

<u>SECTION OF THE ZONING ORDINANCE</u>	<u>SPECIAL EXCEPTION USE</u>	<u>Filing Fee</u>
59-G-2.47	Retail Sales and Personal Services Establishment in multi-family housing per square foot	6.87
59-G-2.30	Retail Nursery and Garden Center (see Horticultural Nursery)	
59-G-2.48	Retail Sales and Personal Services – per square foot (Retail establishment in Office Building)	8.25
59-G-2.46	Retail and Service Establishments	
59-G-2.50	Rifle, Pistol, Skeet Shooting Range	6,875.00
59-G-2.51	Roofing Contractor	4,125.00
59-G-2.52	Sand, Gravel, Clay Pit or Extraction of other natural material – Temporary use	13,750.00
59-G-2.53.1	Sanitarium – Non-profit – up to 5 persons	275.00
	6 to 20 persons	1,100.00
	20 to 40 persons	3,437.50
	over 40 persons	8,250.00
	Sanitarium - Commercial – up to 5 persons	1,100.00
	6 to 20 persons	3,437.50
	20 to 40 persons	8,250.00
	over 40 persons	13,750.00
	Sanitary Fills and Incinerators	13,750.00
59-G-2.54	Sawmill	3,437.50
59-G-2.54.2	Service Organization	1,375.00
	Solid Waste Transfer Station Private	6,875.00
	Specialty Shop (see Retail and Personal Services)	

BOARD OF APPEALS FEE SCHEDULE

<u>SECTION OF THE ZONING ORDINANCE</u>	<u>SPECIAL EXCEPTION USE</u>	<u>Filing Fee</u>
	Stadium or Arena (see Recreation or Entertainment Establishment, commercial)	
	Stockyard	
59-G-2.55	Swimming Pool – commercial	6,875.00
59-G-2.56	Swimming Pool – community	1,375.00
59-G-2.57	Teahouses and Restaurants in Residential Zones	
	Temporary Structures, including wayside stands for sales of farm produce	687.50
59-G-2.58	Telecommunications Facility	13,750.
59-G-2.59	Theater, legitimate	11,000.00
59-G-2.60	Theater, indoor	6,875.00
59-G-2.62	Tire, Battery and Accessory Store	4,125.00
	Trade, Artistic or Technical School	3,437.50
59-G-2.32	Veterinary Hospital	8,250.00
	Warehouse Building – wholly enclosed	6,875.00
	Wholesale Nursery or Greenhouse (see Horticultural Nursery)	
59-G-2.63	Winery	6,875.00
 <u>VARIANCES</u>		
	Single Family Residential **	400.00
	Single Family Residence; Under construction or Newly constructed	800.00
	Multi-Family	2500.00
	Commercial/Industrial	3000.00
 ** If the variance is only for the existing non-conforming dwelling in		

BOARD OF APPEALS FEE SCHEDULE

ADMINISTRATIVE APPEALS

Residential Property * **200.00**

Commercial Property * **200.00**

* Refundable if appeal is granted

SIGN DEPOSIT

Deposit **200.00**

Refundable upon return of sign **100.00**

**MODIFICATIONS, MINOR, WITHOUT
PUBLIC HEARING**

Extension of Time/Transfer of Special Exception **200.00**

Other: 10% of prevailing fee with a Minimum of: **500.00**

**MODIFICATIONS, MAJOR, WITH PUBLIC
HEARING**

Changes in previously granted special exceptions
involving no new construction **25%** prevailing
SE filing fee

New Construction Proposed **50%** prevailing
SE filing fee